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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,961	03/19/2004	Toshihisa Nagashii	0505-1278P	6485
2292	7590	06/24/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			LUM VANNUCCI, LEE SIN YEE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,961

Applicant(s)

NAGASHII ET AL.

Examiner

Lee Lum

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

- a. the "engine hangers 24" (Claim 3 and 17), and, "connecting pipes 25", and "support plates 33" (Claims 4 and 17), and their respective relationships with the head, or right/left, pipe members, and,
- b. a "cut-out portion" (Claim 15),

must be shown or the features canceled from the claims. These elements cannot be sufficiently identified in fig 1. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The disclosure is objected to because of the following informalities:

In the Spec

Under "Cross-Reference to Related Applications", priority to a foreign application is improper; only domestic priority may be claimed in this section.

In the Claims

In Claim 10, "rear portions" and "front end portions" lack antecedent basis.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In Claims 1 and 16, "prismatic crosssectional shape" is unclear because a "prism" is three-dimensional, and a "crosssection" is two-dimensional.

As best understood, in Claim 15, the "cut-out portion" is not described in the Spec.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1 and 16, In Claims 1 and 16, "prismatic crosssectional shape" is unclear because a "prism" is three-dimensional, and a "crosssection" is two-dimensional.

Also, "wherein the pipe members are each bent in a plane orthogonal to the inner wall" (emphasis added) is unclear.

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In Claims 3 and 17, the structure of the "engine hangers" is unknown.

In Claims 4 and 17, the structure of the "connecting pipes" and "support plates" are unknown.

In Claim 15, the structure and location of the "cut-out portion" are unknown.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, Claims 1-5, 7-10 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al 6024185.

As best understood, Okada discloses a motorcycle frame comprising

Headpipe (i.e., cylindrical portion unidentified in fig 2, inherent) supporting front fork 2,

The front fork supporting front wheel 1 through a steering shaft (unidentified, inherent), right, left gussets (unidentified in fig 2; connecting portions to pipes 5) extending rearward and downward from the headpipe,

Pair of right, left pipes 31, having a substantially prismatic crosssectional shape (fig 7; rectangular crosssection), connected contiguously to the headpipe (fig 3),*

And bent in an outwardly convex shape at a longitudinally intermediate position (fig 4), including

Inner wall (unidentified in fig 7) which is substantially flat throughout an overall length of the pipe, and with respect to a vertical direction of the pipe,

Outer wall (unidentified in fig 7) extending substantially parallel with the inner wall,

Wherein the pipes are each bent in a plane orthogonal to the inner wall, as best understood, and are inclined towards each other as they extend upwardly (fig 2),

Engine 10 mounted in a space (unidentified in fig 2) between lower portions of the pipes,

Pair of engine hangers 11 secured to the headpipe, *as best understood*, and to front end portions of right, left pipes (fig 2),

Connecting pipes (unidentified portions of pipes 5), *as best understood*, connecting lower portions of the hangers, and support plates, *as best understood*, secured to rear portions of the pipes,

First crosspipe 75 (fig 1) extending across front portions of the pipes,

Seat rails 8 connected to the pipes,

Right, left pivot plates 70 extending downward from rear portions of the pipes (fig 1),

Right, left main frame 4, including gussets (fig 1; unidentified extending portions connecting with the main frame), and pivot plates 70, all permanently connected, and,
Rear wheel 17.

* "Prism" is defined as "a polyhedron with two polygonal faces lying in parallel planes, and with the other faces parallelograms"; Merriam-Webster's Collegiate Dictionary 10th Ed. Therefore, a rectangle falls within this definition, with respect to a "crosssection".

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15 (*15 as best understood*) are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Tsunoda et al 4805716.

Re Claims 13 and 14, Okada does not disclose an interior rib in the pipes, while Tsunoda shows reinforcing ribs 29d, 31d in pipes 29, 31, respectively, in fig 3. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature, as shown in Tsunoda, to provide increased structural strength to frame members, as extremely well-known.

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As best understood, re **Claim 15**, Okada discloses a cut-out portion at a lower portion of the pipes.

7. **Claims 6, 11, 19 and 20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the vehicle described above further comprising, *inter alia*, second and third crossmembers extending across upper and lower portions, respectively, of the pivot plates.

8. The prior art considered pertinent to the disclosure, but not relied upon, include(s): Iimuro et al 6679347, Nagashii 6502658, Horii 6446996, Horii et al 6186550, Yamagiwa et al 5375677, Matsuura 5921339, Fukuda 5211255; Katsura 5261504.

9. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272-6649, M-F, 9-5. If she cannot be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272-6651. Our central fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. For unpublished applications - private PAIR only. For published applications - private or public PAIR. For more information re PAIR - <http://pair-direct.uspto.gov>. Questions re private PAIR - contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum-Vannucci
Examiner
6/23/05

